

DM-6999A

# 9B  
9/20/01  
**RECEIVED**

SEP 12 2001

TECH CENTER 1600/290

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:

CASE NO.: DM-6999A

RAJOPADHYE, ET AL.

APPLICATION NO.: 09/599,890

GROUP ART UNIT: 1624

5 FILED: JUNE 21, 2000

EXAMINER: BALASUBRAMANIAN

FOR: VITRONECTIN RECEPTOR ANTAGONIST PHARMACEUTICALS

WILMINGTON, DELAWARE

SEPTEMBER 7, 2001

**PRELIMINARY AMENDMENT UNDER 37 CFR §1.111**

10

Hon. Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

15

This is a preliminary response to Continued Prosecution Application (CPA) filed consecutively herewith. Applicants respectfully request reconsideration in view of the following amendments. Any fee that is due should be charged to Deposit Account No.

20

04-1928.

**Amendments to the Claims:**

Please cancel claims 1-57 and 75, without prejudice.

25

Please amend the following claims 58, 59, and 65-68 as indicated below.

Please add additional claims 76-104 that are also indicated below.

30

58. (Amended) A kit for treating cancer, according to Claim 104, wherein the compound is of the formula:



wherein, Q is independently a compound of Formula (Ia) or (Ib):

09-10-01

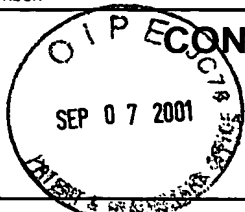
CPA/16249

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

CHECK BOX, if applicable

☐ DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:  Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No. of Prior Application	DM-6999A
	First Named Inventor	Rajopadhye et al.
	Examiner Name	V. Balasubramanian
	Group / Art Unit	1624
	Express Mail Label No.	EL781891278US

RECEIVED

SEP 12 2001

TECH CENTER 1600/290C

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),

(continued prosecution application (CPA)) of prior application number 09/599,890 filed on A JUNE 21, 2000 entitled VITRONECTIN RECEPTOR ANTAGONIST PHARMACEUTICALS.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on under 37 CFR 1.116 in the prior nonprovisional application
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
  - a. ☒ PTO-1449
  - b. ☒ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

09/11/2001 GTEFFERA 00000148 041928 09599890

01 FC:131 710.00 CH  
02 FC:103 468.00 CH

09599890  
041928  
041928  
710001  
468000  
Ad adjustment date: 04/06/2002  
09/11/2001 GTEFFERA 00000148  
01 FC:131  
02 FC:103

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control

number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		46 -20* =	26	x \$18=	\$ 468.00
INDEPENDENT CLAIMS 37 CFR 1.16(b) or (i))		-3** =	2	x \$ ____ =	0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR1.16(d))				x \$ ____ =	
				BASIC FEE (37 CFR 1.16)	710.00
				Total of above Calculations =	
				Reduction by 50% for filing by small entity (Note 37 CFR 1.27).	
				* Reissue claims in excess of 20 and over original patent.	
				** Reissue independent claims over original patent.	
				TOTAL =	1178.00

6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 04-1928:
- a. ☒ Fees required under 37 CFR1.16.
- b. ☐ Fees required under 37 CFR1.17.
- c. ☐ Fees required under 37 CFR1.18.
8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(l) is enclosed.
11. ☐ New Attorney Docket Number, if desired  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other:

**NOTE:**

The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.

**14. NEW CORRESPONDENCE ADDRESS**☒ Customer Number 24348or ☐ New correspondence address below

Name	Peter L. Dolan				
Address	DuPont Pharmaceuticals Company c/o E.I. duPont de Nemours and Co. - Legal - Patents 1007 Market Street				
City	Wilmington	State	Delaware	Zip Code	19898
Country	U.S.A.	Telephone	302-992-4528	Fax	302-992-3999

**13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	Peter L. Dolan
Signature	
Registration No. (Attorney/Agent)	46,307
Date	September 7, 2001